

Testimony on Substitute For House Bill No. 4293

WHY ARE THE SUPPORTERS OF THE REVISED FIREWORKS BILL AFRAID OF COMPETITION?

WHY WOULD THE LEGISLATURE GIVE NON-MICHIGAN BUSINESSES A CLEAR ADVANTAGE OVER MICHIGAN BUSINESSES?

WHY WOULD THE PROPOSED BILL BE AMENDED AND BE SCHEDULED FOR COMMITTEE CONSIDERATION WITHOUT THE PUBLIC BEING ABLE TO REVIEW THE PROPOSED CHANGES AND APPEAR BEFORE THE COMMITTEE?

My name is Caren M. Burdi. I am an attorney in Warren, Michigan and I often represent small firework companies that legally and properly sell fireworks from tents. I also own a small firework company that legally sells fireworks from tents.

Representative Haugh often refers to my business and those that I represent as “Fly by Night”. This characterization is the farthest thing from the truth. My self and those that I represent, go to each and every city and go through Zoning and Planning, often appearing before the cities’ counsel or boards to obtain the proper permits for the tents. We pay permit fees, and inspection fees for fire, building, electrical and signage. The local cities have zoning laws that provide where the tents are most appropriate in their specific city. We pay out taxes. We employ Michiganders, we hire Michigan tent companies and WE SPEND OUR PROFITS HERE IN MICHIGAN.

My company and those that I represent have been doing this for years and have acquired a great deal of expertise in the area of safety that even exceeds the current standards in NFPA 1124. We sell from fire retardant tents in which the public shop on the outside of the tent, through glass. All fireworks are behind glass so that the items are not easily handled by the customer without supervision or until they have purchased them. There are two fire extinguishers on site. This is not “Fly by Night”. True “Fly by Night” operators are easily shut down quickly by the local authorities. This is a smoke screen to hide the fact that this legislation favors certain and particular businesses. For example, every time that Representative Haugh presents this bill he does so with Big Fireworks. Since when is the legislature in the business of making legislation to favor one Michigan business by stopping competition and putting other honest businesses out of business. Why am I termed “Fly by Night”, I have no criminal record at all. Has the legislature looked into the criminal record of those that they are working with on this bill? This tactic by the proponents of the bill should be transparent.

NFPA 1124 addresses the sale of ALL fireworks from tents. NFPA is based upon years or research and practical experience of all of the contributors. If NFPA allows the sale of all fireworks from tents, why doesn’t the Michigan legislature? The reason is this bill is so

contorted by the proponents to suit particular businesses. For example, Big Fireworks does not want there to be the sale of fireworks from tents. THEY DO NOT WANT THE COMPETITION. My clients and I have been selling fireworks from tents in a professional and safe manner as long as Big Fireworks has been in business. WHY ISN'T IT ACCEPTABLE TO ALLOW SALES OF ALL CONSUMER FIREWORKS FROM TENTS IN COMPLIANCE WITH NFPA 1124? The reason is that the National Fireworks companies do not want to comply with local zoning and planning ordinances. They do not want to be accountable to the local authorities. WHY WOULD THE STATE LEGISLATURE HELP OUT OF STATE BUSINESSES BY-PASS LOCAL ZONING AND PLANNING AUTHORITY OF THE CITIES AND TOWNSHIPS? The national fireworks companies have contracts with all of your big box stores to be able to put up their tents at their stores and they want to quash their competition, other tents. Please note that the national companies will bring in their product from outside the state and TAKE THE PROFITS OUTSIDE OF THE STATE. Why would the legislature help these businesses put Michigan businesses out of business?

The new version of the proposed bill, limits tents for the sale of low impact fireworks only if they were sold at the location the year prior to the bill becoming law and is continued each and every year and only if the local government creates an ordinance to allow it. Let's be honest no one will want to purchase low impact fireworks from my business when they can purchase full consumer fireworks from my competitor and the drafters of the bill know that it will be an amazing feat to get the local units of government to draft and pass ordinances before March 1st when the fireworks certificate must be applied for. THIS IS A SHAM. IT IS IMPOSSIBLE FOR GOOD, LAW ABIDING MICHIGAN BUSINESSES TO COMPLY.

It is also a SHAM because section 8 states that if the local authority may write an ordinance allowing the sale of fireworks from tents BUT it must comply with section 6 of the law which states that a tent must be in the vicinity of a permanent indoor retail sales facility. THIS IS NOT PROPERLY WRITTEN AND IN EFFECT MAKES SECTION 8 USELESS. The bill looks like it is making things fair, but even a basic reading of the bill shows otherwise.

I am extremely disappointed that the bill would be added to the agenda with less than 24 hours notice. That the bill be amended and not disseminated for proper input. I am unable to attend the meeting because it is less than 24 hour notice. I find this to be unfair and intentional.

As stated in my previous testimony that was given in person and in writing, full consumer fireworks that include firecrackers, mortars, rockets and the like are not safe and should not be sold in Michigan. The Michigan voter does not want a full range of fireworks available for sale in Michigan. There will be a great many complaints by voters when they have to put up with the noise and injuries as well as property damage. The financial benefit is largely overrated. Most states do not open up fireworks to all fireworks. Many states took the time to analyze each item and either allow it or exclude it. It is sad that there is such a rush to approve this bill that it has so many flaws.

When Representative Haugh stated that he would work with me on the bill, the extent of that has been him telling me to email him my proposed changes to the bill that he promptly

ignores.

I encourage the Committee to turn down this proposed bill. It is unfair to Michigan businesses and has so many flaws that need to be addressed.

Sincerely,

Caren M. Burdi
(586) 942-9411

31851 Mound Road
Warren, MI 48092